

FILING BY "EXPRESS MAIL" UNDER 37 CFR 1.10

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE PATENT NO. 7,049,283 OF

JOSEPH M. AULT et al.

ISSUED MAY 23, 2006

APPLICATION NO: 10/006,311

FILED: DECEMBER 4, 2001

FOR: PHARMACEUTICAL COMPOSITIONS FOR THE ORAL DELIVERY  
OF PHARMACOLOGICALLY ACTIVE AGENTS

Commissioner of Patents

PO Box 1450

Alexandria, VA 22313-1450

**Attention: Decision and Certificate of Correction**

**Branch of the Patent Issue Division**

REQUEST FOR CERTIFICATE OF CORRECTION UNDER 37 CFR §1.323

Sir:

Pursuant to 37 CFR 1.323, it is hereby respectfully requested that a Certificate of Correction be issued for United States Patent 7,049,283 containing the corrections set forth on the appended Form PTO 1050.

Each of the errors is believed to be attributable to Applicant oversight, as is evident from the following table:

<u>Location and/or Error in Printed Patent</u>	<u>Location of Support</u>
Claim 1, column 11, line 28, replace "salmon calcitonin" with "pharmaceutical composition"	See the Examiner's Amendment, dated October 14, 2005 and the "Remarks" in this Request.
Claim 1, column 11, line 29, replace "pharmacologically active agent" with "salmon calcitonin"	
Claim 1, column 12, line 14, replace "salmon calcitonin" with "pharmaceutical composition"	
Claim 1, column 12, line 15, replace "pharmacologically active agent" with "salmon calcitonin"	

Attached in duplicate is Form PTO-1050, with at least one copy being suitable for printing.

## REMARKS

Issued Patent US 7,049,283 recites claims improperly amended by the Patent Office, which amendment was not corrected by Applicant, resulting in erroneous claim text.

Notably, claims 2 and 3 refer to "The solid pharmaceutical composition" of claim 1 and "the overall pharmaceutical composition". However, the preamble of claim 1 erroneously refers to "A solid salmon calcitonin", rather than the proper "solid pharmaceutical composition" referred to in claims 2 and 3.

During a telephonic conversation between Attorney Jay Wilusz of Novartis Pharmaceuticals and Examiner Meller at the USPTO, Attorney Wilusz and Examiner Meller agreed to limit subpart (a) of then-pending claim 20 to "salmon calcitonin". Accordingly claim 20, which issued as claim 1, should have read:

1. A solid pharmaceutical composition comprising:
  - a. a salmon calcitonin,
  - b. clospovidene or povidene,
  - c. 5CNAC,
  - d. optionally, microcrystalline cellulose, and
  - e. optionally, magnesium stearate

wherein, said pharmaceutical composition provides enhanced oral bioavailability of said salmon calcitonin.

This correct version of claim 1 makes contextual sense (while currently issued claim 1 does not) and also provides the proper antecedent basis for currently-issued claims 2 and 3 (while currently-issued claim 1 does not).

In the Examiner's amendment dated October 14, 2005, Examiner Meller inadvertently replaced "pharmaceutical composition" with "salmon calcitonin". Based on the specification, the issued claims, and the prosecution history, which provide "salmon calcitonin" as an example of a "pharmacologically active agent" (see, e.g., claim 22 of the Response dated July 15, 2005), Applicants believe the Examiner meant to replace the phrase "pharmacologically active agent" with "salmon calcitonin". This is reflected in the Examiner's statement and reasons for allowance (page 3 of the Examiner's Amendment dated October 14, 2005) in which the Examiner indicates that the specification provide support for "unexpected results...for the invention when using salmon calcitonin as argued by applicants in their response filed 7/15/2005."

Patentees submit that this is a clerical or typographical error that is immediately apparent from the prosecution record or, alternatively, a minor error, correction of which is non broadening. For this reason Patentees respectfully request grant of the instant Certificate of Correction.

Please charge to Deposit Account No. 19-0134 in the amount of \$100.00 for payment of the fee for the Certificate of Correction as required under 37 CFR §1.20(a). The Commissioner is hereby authorized to charge any additional fees under 37 CFR §1.20(a) to Deposit Account No. 19-0134 in the name of Novartis Corporation.

Please send the Certificate of Correction to the address currently associated with Customer No. 001095.

Respectfully submitted,



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Date: 8/11/2008

UNITED STATES PATENT AND TRADEMARK OFFICE  
**CERTIFICATE OF CORRECTION**

PATENT NO : 7,049,283  
DATED: : May 23, 2006  
INVENTOR(S) : Joseph M. Ault

It is certified that there is/are an error(s) in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

**In Column 11**

Claim 1, line 28, delete "salmon calcitonin" and insert "pharmaceutical composition"

Claim 1, line 29, delete "pharmacologically active agent" and insert "salmon calcitonin"

**In Column 12**

Claim 1, line 14, delete "salmon calcitonin" and insert "pharmaceutical composition"

Claim 1, line 15, delete "pharmacologically active agent" and insert "salmon calcitonin"

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